



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

10:00 A.M.

TUESDAY, February 10, 2009

The Senate met.

The Senate was called to order by President Risser.

### CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for the session was:

Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Absent – None.

Absent with leave – Senator Kedzie – 1.

The Senate stood for the prayer which was offered by Pastor Doug Van Essen of Madison’s Crossroads Christian Reformed Church in Madison.

“Eternal God, you have been our help in ages past, and you are our hope for years to come. You have given these Senators the privilege of representing and serving the people of this great state of Wisconsin.

Give to them faithfulness and integrity in this calling. As they serve give to them deep gratitude for the privilege to serve; sincere appreciation for those serving them.

In times of deep impasse and disagreement may they be blessed with great wisdom to unravel the conflicts; quiet humility to know their limits and their need for each other.

When offense has been given or taken, with intention or without, may they have the graciousness to forgive and to be forgiven.

During these trying times of economic uncertainty give them increased sensitivity to the concerns and fears of those of us who feel so out of control and helpless.

O God, through these servants and the decisions they enact, bring resolution to those in conflict; hope to those in despair; work to those unemployed; food to those who are hungry; peace to all those who live in our cities and communities.

Finally, O God, forgive our partisan ways and bring unity in our work so that together we may finally understand what Francis of Assisi taught when he said that it is in dying to our self that we find true life.

Amen.”

The Senate remained standing and Senator Cowles led the Senate in the pledge of allegiance to the flag of the United States of America.

### LEAVES OF ABSENCE

Senator S. Fitzgerald, with unanimous consent, asked that Senator Kedzie be granted a leave of absence for today’s session.

Senator S. Fitzgerald, with unanimous consent, asked that Senator A. Lasee be granted a leave of absence for part of today’s session.

### CHIEF CLERK’S ENTRIES

The Chief Clerk makes the following entries dated **Friday, February 6, 2009**.

#### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 2** offered by Senator Lehman.

Senate substitute amendment 1 to **Senate Bill 3** offered by Senator Robson.

### REPORT OF COMMITTEES

The committee on **Public Health, Senior Issues, LongTerm Care, and Job Creation** reports and recommends:

#### **Senate Bill 16**

Relating to: permitting a mother to breast–feed in any public or private location where she is otherwise authorized to be.

Passage.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

#### **Senate Bill 3**

Relating to: health insurance coverage of treatment for autism spectrum disorders.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

*TIM CARPENTER*  
Chairperson

## PETITIONS AND COMMUNICATIONS

### LEGISLATIVE REFERENCE BUREAU CORRECTIONS

#### CORRECTIONS IN:

#### SENATE AMENDMENT 1, TO 2009 SENATE BILL 2

Prepared by the Legislative Reference Bureau  
(February 10, 2009)

1. Page 4, line 20: delete “~~takes effect is perfected~~” and substitute “takes effect is perfected”.

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Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 16**.

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### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 08–082

Relating to training in the use of automated external defibrillators for emergency medical technicians, first responders, and individuals who provide instruction to emergency medical technicians and first responders, and affecting small businesses.

Submitted by Department of Health Services.

Report received from Agency, February 6, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, February 9, 2009.

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The committee on **Agriculture and Higher Education** reports and recommends:

#### Senate Clearinghouse Rule 08–090

Relating to pesticide product restrictions.

No action taken.

*KATHLEEN VINEHOUT*  
Chairperson

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The committee on **Commerce, Utilities, Energy, and Rail** reports and recommends:

#### Senate Clearinghouse Rule 08–067

Relating to customer access to subscription video services and discriminatory practices by video service providers.

No action taken.

*JEFFREY PLALE*  
Chairperson

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### ADVICE AND CONSENT OF THE SENATE

Senator Decker, with unanimous consent, asked that all appointments, with the exception of Richard Leinenkugel, be taken up en masse.

BOEHMER, TIM, of Neenah, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2012.

BOHACEK, LINDA, of Eau Claire, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2012.

CANTU, KATHLEEN, of Madison, as a member of the Cemetery Board, to serve for the term ending July 1, 2012.

GOTTFREDSSEN, EUGENE, of Beloit, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2012.

KAILAS, SUJATHA, of Fond du Lac, as a member of the Medical Examining Board, to serve for the term ending July 1, 2012.

LEACH, KATHI, of Junction City, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2012.

LEGRAND, ROGER, of La Crosse, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2009.

MCADAMS, THOMAS, of Greendale, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2013.

MISRA, SURESH, of Milwaukee, as a member of the Medical Examining Board, to serve for the term ending July 1, 2011.

NASS, STEVEN, of Lake Mills, as a member of the Athletic Trainers Affiliated Credentialing Board to serve for the term ending July 1, 2012.

OSBORN, SANDRA, of Verona, as a member of the Medical Examining Board, to serve for the term ending July 1, 2012.

PATTERSON, JEFFREY, of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2012.

PORTER, E. GLEN, of New Berlin, as a member of the Cemetery Board, to serve for the term ending July 1, 2012.

RENWICK, SUZETTE, of La Crosse, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2012.

ROSE, TERESA, of Hazelhurst, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2012.

RUIZ, LAURA, of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2011.

SHROPSHIRE, MARK, of Appleton, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2012.

SIMPSON, LUANN, of Racine, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2011.

SWEENEY, TIMOTHY, of Green Lake, as a member of the Auctioneer Board, to serve for the term ending May 1, 2012.

THORNTON, PATRICIA, of Grand View, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2012.

TWAIT, HOWARD, of Wisconsin Rapids, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2012.

WEIX, LOU ANN, of Green Bay, as a member on the Board of Nursing, to serve for the term ending July 1, 2012.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Kedzie – 1.

Confirmed.

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LEINENKUGEL, RICHARD, of Menomonee Falls, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

Read.

Senator Fitzgerald, moved that the appointment of Richard Leinenkugel be referred to the committee on **Senate Organization**.

Senator Lehman, with unanimous consent, asked that the Senate recess until 11:00 A.M.

10:17 A.M.

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## RECESS

11:00 A.M.

The Senate reconvened.

President Risser in the chair.

President Risser, with unanimous consent, asked that the Senate recess until 11:30 A.M.

11:01 A.M.

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## RECESS

11:30 A.M.

The Senate reconvened.

President Risser in the chair.

President Risser, with unanimous consent, asked that the Senate recess until 12:00 P.M.

11:31 A.M.

12:02 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Fitzgerald withdrew his motion to refer the appointment of Richard Leinenkugel to the committee on **Senate Organization**.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Kedzie – 1.

Confirmed.

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## SPECIAL ORDERS

### Special order of business at 10:01 A.M.

#### Senate Joint Resolution 8

Relating to: modifying the session schedule for the 2009–10 biennial session period and extending the deadline for the governor’s budget message.

Senate amendment 1 to **Senate Joint Resolution 8** offered by Senator Carpenter.

Senator Carpenter, with unanimous consent, asked that Senate amendment 1 to **Senate Joint Resolution 8** be withdrawn and returned to the author.

The question was: Adoption of **Senate Joint Resolution 8**?

Adopted.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 8** be immediately messaged to the Assembly.

Messaged.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

#### Senate Bill 1

Relating to: a state minimum wage, permitting the enactment of local living wage ordinances, and granting rule-making authority.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Decker.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator S. Fitzgerald.

Senator Decker moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen and Schultz – 14.

Absent or not voting – Senator Kedzie – 1.

Rejected.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator S. Fitzgerald.

Senator Decker moved rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1**.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen and Schultz – 14.

Absent or not voting – Senator Kedzie – 1.

Rejected.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Grothman.

Senator Decker moved rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 1**.

The question was: Rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 1**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen and Schultz – 14.

Absent or not voting – Senator Kedzie – 1.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 1**

Read a third time.

The question was: Passage of **Senate Bill 1**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen and Schultz – 14.

Absent or not voting – Senator Kedzie – 1.

Passed.

### **Senate Bill 2**

Relating to: the filing of a wage claim or the bringing of a wage claim action by a collective bargaining representative on behalf of an employee and the priority of a wage claim lien over a prior lien of a commercial lending institution and over the rights of a purchaser of any property of the employer.

Read a second time.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 2** offered by Senators Coggs and Kreitlow.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 2**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 2**?

Adopted.

Senate amendment 2 to **Senate Bill 2** offered by Senator Risser.

Senator Risser, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 2** be withdrawn and returned to the author.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 2**

Read a third time.

The question was: Passage of **Senate Bill 2**?

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Taylor, Vinehout and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen, Schultz and Sullivan – 15.

Absent or not voting – Senator Kedzie – 1.

Passed.

### **Senate Bill 7**

Relating to: the filing of certain forms related to tax incremental financing district number ten in the city of Chippewa Falls.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 7**

Read a third time and passed.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

**Senate Bill 1**

**Senate Bill 2**

**Senate Bill 7**

Messaged.

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## **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Bristol Fire Department's 110th Birthday.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Rolf and Lynnette Kurandt of Camp Douglas. They are celebrating 50 years of marriage and business with their restaurant, Target Bluff German Haus.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Krystal Ellis, a Marquette University Senior, who last week broke the all-time MU Women's basketball scoring record.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of "Hammerin" Hank Aaron, who celebrated his 75th Birthday last year. Milwaukee, and all of Wisconsin, will always consider Mr. Aaron to be the greatest home run hitter in the history of Major League Baseball.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of constituent and friend, Thirza Defoe. Thirza is from the Ojibwe and Oneida tribes and grew up in the Lac du Flambeau region. She has been recognized around the world for her work as an actor, dancer, story teller and musician. Thirza co-starred in, "The Only Good Indian," which premiered at Sundance Film Festival in January. This past Sunday at the 2009 Grammy Awards

ceremony, Thirza's list of accomplishments grew to include a Grammy Award for Best Native American album for her work on "Come to Me Great Mystery."

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 6 workers who were injured last week in the explosion at the We Energies plant in Oak Creek. Senator Plale would like to honor Jose Trevino of Cudahy, Jake Cizewski of St. Francis, Benjamin Buffington of Milwaukee, Jeffrey Ross of Milwaukee, Ryan Bramow of Union Grove and Alex Trevino.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of George Hahner, who passed away this past weekend. George was a wonderful, long-time teacher and union activist in Racine. In his retirement he watched over the Wisconsin Retirement System for all of us. Our condolences go out to his wife Naomi, his family, and his many friends.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Alyssa Bicoy, as she celebrates her 18th birthday on February 18th – her golden birthday.

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## **MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

**Senate Joint Resolution 8**

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## **ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Tuesday, February 17, 2009.

2:01 P.M.

Adjourned.